

REMARKS

By this amendment, claims 3, 4, 5, 23, 25, 26, 27, and 36 have been amended. The Office Action cited claims 1-22, and 33-35 as allowable. No claims have been cancelled or added. Hence, claims 1-36 are pending in the application. The amendments to the claims as indicated herein do not add any new matter to this application. Furthermore, amendments made to the claims as indicated herein have been made to exclusively improve readability and clarity of the claims and not for the purpose of overcoming alleged prior art, and the applicant believes to have corrected all antecedent issues for all pending claims. Each issue raised in the Office Action mailed April 28, 2004 is addressed hereinafter.

Claims 23-32, and 36 have been rejected under 35 U.S.C. § 112 as allegedly indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, claims 23, 25, 26, 27 29 and 32 have been cited as containing terms that lack antecedent basis. Applicant believes the following amendments have corrected any and all antecedent basis issues for all pending claims.

In claim 23, lines 1 and 4, “quality of service policy” is amended to read “the abstract quality of service policy” to correct any antecedent basis issues with dependent claims that mention the same. Therefore, the term “abstract quality of service policy” in claim 23, line 10, claim 25, line 2, claim 29, line 7 and claim 32, line 6 has a proper antecedent basis in claim 23.

In claim 25, line 6, claim 26, line 4 and claim 27, line 4, “initial set of commands” has been replaced with “first set of commands.” Independent claim 23, line 4 introduces a “first set of commands.” Therefore, the term “first set of commands” in amended claims 25, 26 and 27 has a proper antecedent basis in claim 23.

Similarly, in claim 3, line 6, claim 4, line 4 and claim 5, line 4 the term “initial set of basic commands” has been amended to read “first set of basic commands.” By this amendment,

any ambiguity as to the commands has been corrected. Also, independent claim 1, which claims 3, 4 and 5 are dependent upon, introduces the same “first set of commands.” Therefore, the term “first set of commands” in amended claims 3, 4, and 5 has a proper antecedent basis in claim 1.

In claim 27, line 7, “the abstract policy” is amended to read “the abstract quality of service policy.” Independent claim 23 introduces the “abstract quality of service policy” and therefore, amended claim 27 has a proper antecedent basis in claim 23.

Finally, claim 36 is cited as containing language that renders the claim indefinite. Specifically, claim 36 refers to “each command” while independent claim 23 refers to a first set of command and a second set of commands. This issue is addressed by amending claim 36 to read “each command in the first and second set of commands.” Therefore, claim 36 no longer contains indefinite language. Accordingly, all issues relating to indefiniteness are addressed.

Applicant submits that all of the pending claims (1-36) present patentable subject matter over the references of record, and are in condition for allowance. Therefore, Applicant respectfully requests that a timely Notice of Allowance be issued in this case. If the Examiner has questions regarding this case, the Examiner is invited to contact Applicant's undersigned representative.

///

///

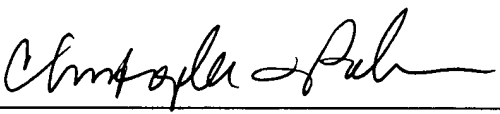
///

A Petition for Extension of Time under 37 CFR 1.136 is hereby made to the extent necessary for this reply to be timely filed. A law firm check is attached for all fees that may apply to this reply. If the check is missing or insufficient, the Commissioner is hereby authorized to charge any applicable fee to our Deposit Account No. 50-1302.

Respectfully submitted,

HICKMAN PALERMO TRUONG & BECKER LLP

Dated: 5/27, 2004

  
Christopher J. Palermo  
Reg. No. 42,056

1600 Willow Street  
San Jose, California 95125-5106  
Telephone No.: (408) 414-1080  
Facsimile No.: (408) 414-1076

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

on May 27, 2004 by Jessie Austin

The PTO did not receive the following  
listed item(s) A check